

REMARKS

Claims 1-2, 7, 9-17, and 20 are amended. No new matter is added by these amendments. Claims 1-21 are pending. By amending the claims, applicant is not conceding that the claims are non-statutory under 35 U.S.C. 101 and 102 and is not conceding that the claims are unpatentable over the references cited by the Office Action, as the claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Objections to the Specification

The disclosure is objected to because “on page 9, line 9, there should be a space separating ‘1’ and ‘are’.” The specification is amended to add a space between “1” and “are” on page 9, line 9.

Claim Rejections under 35 U.S.C. 101

Claims 12-16 are rejected under 35 U.S.C. 101 because the claims are “directed toward a signal.” Claims 12-16 are amended to recite a storage medium, which is statutory subject matter.

Claim Rejections under 35 U.S.C. 102

Claims 1-21 are rejected under 35 U.S.C. 102(b) as anticipated by Fawcett (U.S. Patent No. 5,845,077).

Applicant respectfully submits that the claims are patentable over Fawcett because not all elements of the claims are taught or suggested by Fawcett for the reasons argued below.

Claim 1 recites: “receiving data from a client upon an occurrence of an event, wherein the data comprises a plurality of fields, and wherein the event is selected from a group consisting of installation of hardware at the client, installation of software at the client, detection of a performance problem at the client, and detection of an error at the client.”

In contrast, in Fawcett at column 2, lines 10-13, the user merely “connects to the bulletin board and then selects and down-loads desired software” and at column 2, lines 26-29, the user merely “is allowed to access ... an update service.” Thus, the Fawcett user connection and access is not done in response to installation of hardware, installation of software, detection of a performance problem, or detection of an error, so Fawcett does not teach or suggest “receiving data from a client upon an occurrence of an event, wherein the data comprises a plurality of fields, and wherein the event is selected from a group consisting of installation of hardware at the client, installation of software at the client, detection of a performance problem at the client, and detection of an error at the client,” as recited in claim 1.

Claim 1 further recites: “comparing a subset of the plurality of fields to a plurality of thresholds via a plurality of conditions, wherein the plurality of conditions specify the subset, specify a comparison of the plurality of thresholds to values in subset of the plurality of fields, and specify an associated recommended offering.”

In contrast, Fawcett at column 7, lines 29-33 merely describes “The service update application compares the user inventory data from the user computer to database entries in the computer software database to automatically analyze the computer software.” Thus, Fawcett does not describe conditions, thresholds, or a recommended offering associated with a condition, so Fawcett does not teach or suggest “comparing a

subset of the plurality of fields to a plurality of thresholds via a plurality of conditions, wherein the plurality of conditions specify the subset, specify a comparison of the plurality of thresholds to values in subset of the plurality of fields, and specify an associated recommended offering,” as recited in claim 1.

Claim 1 further recites: “when the plurality of conditions are met by the comparing of the values in the subset of the plurality of fields to the plurality of thresholds, sending the associated recommended offering and an identification of a marketing channel to the client.”

In contrast, Fawcett at column 7, lines 53-55 merely recites: “After the service update application completes the analysis of user computer software, a summary report is sent back to the user,” and Fawcett at column 8, lines 26-29 merely recites: “if the output report is not empty, then the user is asked to choose which available computer software shown in the output report, if any, will be downloaded and installed on the user computer.” Thus, Fawcett does not describe any criteria for determining the contents of its summary report and does not describe any relationship between its summary report and its comparison of its user inventory data to its database entries.

Thus, Fawcett does not teach or suggest a “recommended offering” as recited in claim 1 because Fawcett does not make recommendations and has no criteria for making recommendations. Instead of making recommendations, Fawcett relies on the user to “choose which available computer software” to download and install. Thus, Fawcett does not teach or suggest “when the plurality of conditions are met by the comparing of the values in the subset of the plurality of fields to the plurality of thresholds, sending the associated recommended offering and an identification of a marketing channel to the client,” as recited in claim 1.

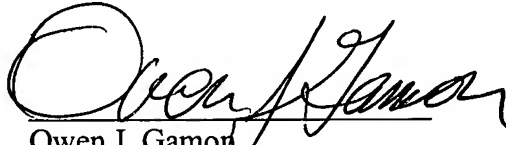
Claims 7, 12, and 17 include similar elements as argued above for claim 1 and are patentable over Fawcett for similar reasons. Claims 2-6, 8-11, 13-16, and 18-21 are dependent on claims 1, 7, 12, and 17, respectively, and are patentable over Fawcett for the reasons argued above, plus the elements in the claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,



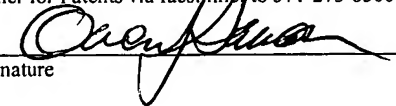
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